

IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE
EQUITY DIVISION



NEW MIDLAND PLAZA ASSOCIATES, et al.,)
Plaintiffs,)
v.) CIVIL ACTION NO. E-18053
WACHOVIA BANK, N.A., et. al.,)
Defendants.)
)
)
)
)
)

**ORDER ON PLAINTIFFS' MOTION TO ALTER OR AMEND
SANCTIONS AWARD**

This cause came on to be further heard on the 29 day of January, 2007, before the Honorable W. Dale Young, Judge of the Circuit Court for Blount County, Tennessee, upon the Motion of Martin O'Boyle to Alter or Amend the Order entered November 2, 2006, awarding to the Defendants sanctions in the collective amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) and awarding to the Clerk of the Court sanctions in the amount of Five Thousand Dollars (\$5,000.00).

For good cause shown, and there being no objection from the Defendants, it is, therefore, accordingly ORDERED, ADJUDGED and DECREED that the award of sanctions to the Defendants, Wachovia Bank, N.A. and Alcoa Calderwood, LLC, against Martin O'Boyle is herewith set aside, withdrawn, and held for naught, provided that Martin O'Boyle shall within ten (10) days of the date of this Order pay to the Clerk of the

EXHIBIT

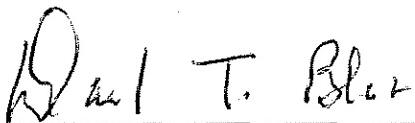
ENTERED 1-29-07
BOOK 141 PAGE 422

Court the sum of Five Thousand Dollars (\$5,000.00) plus interest from and after November 2, 2006, until the date of payment plus such additional court costs to be paid as assessed by the Clerk of the Court.

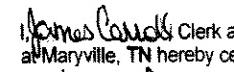
ENTER this 29^T day of January, 2007.


W. DALE YOUNG, JUDGE

APPROVED AS TO FORM:



DAVID T. BLACK, Tennessee Bar No. 000999
Kizer and Black Attorneys, PLLC
329 Cates Street
Maryville, Tennessee 37801


James Carroll Clerk and Master of the CIRCUIT COURT
at Maryville, TN hereby certify that the within is a true copy
of the ~~Order on Plaintiff's Motion to Alter or Amend Sanctions Award~~
entered in case No. E-18053
on the 29th day of Jan., 2007
Entered Min. Book 141 Page 422
by Carroll

CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of January, 2007, caused a true and correct copy of the Order on Plaintiffs' Motion to Alter or Amend Sanctions Award to be served on the following by first-class mail, postage prepaid:

John A. Lucas, Esquire
Hunton & Williams
900 South Gay Street
Suite 2000
Knoxville, TN 37901-0951

Charles W. VanBeke, Esquire
Wagner, Myers & Sanger, P.C.
1801 First Tennessee Plaza
P.O. Box 1308
Knoxville, TN 37901-1308

Thomas S. Scott, Jr., Esquire
Ball & Scott
550 W. Main Avenue
Suite 750
Knoxville, TN 37902


DAVID BLACK, ESQUIRE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been mailed to all parties or their counsel, by depositing same in the U.S. Mail, first class postage prepaid this the 20th day of January, 2007.

Brenda Flowers
By 